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Docket No. 04-30082-MAP

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Plaintiff's responses to defendant Carlisle Tire and Wheel Company ("Carlisle") and defendant Ariens Company's ("Ariens") requests for production of documents were served on February 16, 2005, and March 3, 2005. Plaintiff's answers to defendants' interrogatories were served on May 17, 2005.

Carlisle's answers to plaintiff's interrogatories and responses to plaintiff's request for production of documents were served on May 4, 2005.

Ariens' answers to plaintiff's interrogatories were served on May 6, 2005, and its responses to plaintiff's request for production of documents were served on May 24, 2005.

3. A representative of defendant Carlisle traveled from Aiken, South Carolina, and inspected the subject Ariens riding lawn mower on May 11, 2005, at its stored location in Adams, Massachusetts. Representatives of defendant Ariens have previously inspected the subject lawn mower.

4. Due to scheduling conflicts and vacation schedules, plaintiff's deposition was not conducted until August 23, 2005, in Springfield, Massachusetts.

5. On September 13, 2005, the plaintiff served his 30(b)(6) deposition notice (with an attached request to produce documents) upon defendant Ariens for depositions scheduled to take place in Brillion, Wisconsin, on or about October 13, 2005.

6. On September 14, 2005, plaintiff's counsel (Michael R. Palmieri, Esq.) agreed to be responsible for a premise liability case pending in the Berkshire County Superior Court, Pittsfield, Massachusetts, and placed on the October 2005 trial list.

7. Subsequently, the parties mutually agreed to reschedule the Ariens 30(b)(6) depositions and to file a joint motion to amend the Court's initial scheduling order.

8. The plaintiff also intends to conduct 30(b)(6) depositions of representatives of Carlisle and anticipates that said depositions will require traveling to Aiken, South Carolina.

9. Plaintiff and defendants Ariens and Carlisle agree that said 30(b)(6) depositions will likely impact plaintiff's and defendants' expert disclosures.

10. In light of the above circumstances, the parties simply cannot accomplish the 30(b)(6) depositions, expert disclosure and expert depositions by October 25, 2005.

11. The parties are in accord that these circumstances and the current scheduling order threaten to unduly prejudice the parties in this matter. The parties further state that a trial date has not been set in this matter.

12. As an additional ground, plaintiff's counsel has a medical malpractice trial pending in the Berkshire Superior Court, Pittsfield, Massachusetts (Schilling v. Fina et al, Civil Action No. 2002-00282), with a start date certain of December 12, 2005, and is expected to last at least one week.

13. In order to allow the parties ample time to complete the 30(b)(6) depositions, expert disclosure and expert depositions, the parties respectfully request that the scheduling order be amended as follows:

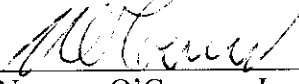
	<u>Original Scheduling Order</u>	<u>Proposed Amendment</u>
Non-expert depositions:	May 20, 2005	December 22, 2005
Plaintiff's expert disclosure:	July 29, 2005	January 26, 2006
Defendants' expert disclosure:	August 26, 2005	February 23, 2006
Expert depositions:	October 14, 2005	March 23, 2006
Case management conference:	October 25, 2005	March 28, 2006

WHEREFORE, the parties respectfully request that the scheduling order be amended as set forth herein.

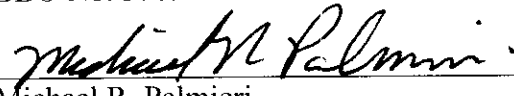
Dated: October 6, 2005

PLAINTIFF ROBERT WNUK

By His Attorneys,




J. Norman O'Connor, Jr.
BBO No. 376915



Michael R. Palmieri
BBO No. 645674
For Donovan & O'Connor, LLP
1330 Mass MoCA Way
North Adams, MA 01247
(413) 663-3200

DEFENDANT ARIENS COMPANY

By Its Attorney,




Edward F. Mahoney
BBO No. 546436
101 Merrimac Street
Boston, MA 02114
(617) 227-3240

MRP:MGR

DEFENDANT CARLISLE TIRE &
WHEEL COMPANY

By Its Attorney,



William J. Dailey Jr.
BBO No. 112200
For Sloane & Walsh, LLP
3 Center Plaza
Boston, MA 02108
(617) 523-6010